

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and on
behalf of all others similarly situated,

Plaintiff,

V.

RIOT BLOCKCHAIN, INC. f/k/a BIOPTIX,
INC., JOHN O'ROURKE, JEFFREY
MCGONEGAL, BARRY HONIG,
CATHERINE DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROSSMAN, ANDREW KAPLAN, MIKE
DAI, JASON LES and ERIC SO,

Defendants.

Civil Action No. 3:18-02293 (FLW) (TJB)

**[PROPOSED] ORDER GRANTING
CATHERINE DEFRANCESCO'S
MOTION TO DISMISS THE
CONSOLIDATED SECOND
AMENDED CLASS ACTION
COMPLAINT**

MOTION RETURN DATE: May 3, 2021

THIS MATTER having been presented to the Court by Defendant Catherine DeFrancesco, with a Motion to Dismiss, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, seeking an Order dismissing Lead Plaintiff’s Consolidated Second Amended Class Action Complaint (the “Complaint”) and for such further relief as the Court deems just and proper, and the Court having considered the papers submitted in support and opposition to the Motion to Dismiss and oral arguments, if any, and the Court having further considered the pleadings in this matter, and for good cause having been shown;

IT IS on this _____ day of _____, 2021,

ORDERED that Catherine DeFrancesco's Motion to Dismiss the Complaint is hereby granted.

HONORABLE FRED A. WOLFSON
UNITED STATES DISTRICT JUDGE